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C O N F I D E N T I A L ISLAMABAD 001633

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SUBJECT: SUPREME COURT ABOLISHES GRADUATION REQUIREMENT FOR
ELECTIVE OFFICE

REF: ISLAMABAD 1612

Classified By: Anne W. Patterson, Reasons 1.4 (b), (d)

¶1. (U) Pakistan's Supreme Court ruled April 21 to abolish the constitutional requirement that candidates for elective office have a bachelors degree, among other qualifications. This pre-qualification to run was introduced by President Pervez Musharraf in the lead-up to the 2002 parliamentary elections in an attempt to prevent religious leaders from being elected. A seven-member panel led by Chief Justice Abdul Hameed Dogar held today, in a "short order," that this provision was unconstitutional under Articles 25 and 17, guaranteeing that all citizens are treated equally and that every citizen has the right to participate fully in political parties, respectively.

¶2. (U) The graduation requirement had been cited by international and domestic observer missions covering Pakistan's February 18 parliamentary elections as one of the impediments to a free and fair electoral process. The EU Observer Mission's final report, released just April 16, estimated that about 95 percent of Pakistanis were disqualified from even running for office because of this graduation requirement (reftel).

¶3. (U) The graduation requirement was also the cause of much litigation, as candidates argued that other degrees, for example, from madrassas offering a 13th and 14th year of schooling, should or should not be accepted. Many of these legal challenges from 2002 are reportedly still pending with Pakistan's Election Commission.

¶4. (C) Comment: This ruling clears the way for Pakistan People's Party (PPP) co-chairman Asif Zardari to run for Benazir Bhutto's National Assembly constituency of Larkana in by-elections scheduled for June. Despite repeated efforts, Embassy has been unable to clarify whether Zardari ever completed his associates-equivalent degree from a college in the UK. That question now becomes moot; however, the ruling re-opens the debate over whether Zardari will become the Prime Minister. Under Pakistani law, one must be a member of parliament to become Prime Minister; after the by-election, Zardari will qualify. This weekend, Zardari indicated to the press that he might one day become Prime Minister. Information Minister Sherry Rehman quickly assured Pakistanis he was speaking of the distant future, not the present. We shall see. End comment.

